UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.46/1998/3
16 January 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Second session
Geneva, 16 - 20 February 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

Introduction

1. Pursuant to Commission on Human Rights resolution 1997/15 of 13 April 1997, entitled "Migrants and human rights", a working group consisting of five intergovernmental experts was established with a mandate to gather all relevant information on the obstacles existing to the effective and full protection of the human rights of migrants and to elaborate recommendations to strengthen the promotion, the protection and implementation of their human rights.

2. The Secretary-General, on 2 December 1997, addressed a Questionnaire on human rights of migrants to Governments, competent United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations for any information and comments they might wish to make in relation to the mandate of the working group. The relevant replies received from the Government of Turkey, from the International Labour Office, from the International Movement Against All Forms of Discrimination and Racism and from the Christian Coalition on Refugees and Migrant Workers are attached herewith.

Submission received from
Turkey

QUESTIONNAIRE
ON THE HUMAN RIGHTS OF MIGRANTS

1. What are the latest figures or estimates for :

a) Total population, including non-nationals, preferably by nationality of origin;

According to the results of national census organized on 30th November 1997 the total population of Turkey is around 63 million people. The ratio of foreign nationals within the total population is less than 0.1 percent.

b) Number of nationals abroad, preferably by country of residence;

Country	Total Number of Nationals	Total Number of Workers (*)
Germany	2.014.311	740.277
Holland	260.108	65.000
France	260.982	72.544
Austria	142.231	51.327
Belgium	119.036	37.500
Denmark	35.739	15.811
Great Britain	58.187	33.000
Norway	10.000	6.000
Sweden	35.724	7.300
Switzerland	79.424	34.825
Australia	53.085	21.085
Saudi Arabia	130.000	120.000
Libya	6.355	5.810
Kuwait	3.500	3.300
Turkish Republic of Northern Cyprus	-	2.493
Israel	4.114	4.114
Commonwealth of Independent States	40.000	40.000
United States	135.000	-
Canada	35.000	-
Italy	15.000	5.000
Finland	1.800	1.400
Spain	848	500
Jordan	1.591	200
Other Countries	1.863	1.016
TOTAL	3.444.005	1.263.502

(*) The total number of workers includes the number of unemployed persons

./..

c) Non-nationals having authorization to work in the country:

The number of non-nationals living and having authorization to work in Turkey is around 20000.

Conditions of residence for foreigners living in Turkey are determined by law. The duration of the residence permits to foreigners is at present for maximum two years. The residence permit may be issued individually or for the family members altogether. It is mandatory for those wishing to work in Turkey to apply for an individual residence and work permit.

Foreign students studying at Turkish schools and universities, scholars who come to Turkey for scientific research, foreign journalists living in Turkey, foreign experts employed by the Government, State Economic Enterprises or Municipalities as well as private enterprises are accorded residence permit. For work permit, employment contract is required.

d) Estimate of irregular migrants, including visa abusers, by country of origin :

In principle, the relevant authorities make all the possible efforts in order to fight against the illegal immigration. However, we observe recently a big increase in the number of attempts to enter and to transit Turkey illegaly.

Turkey which was a country of emigration, from 60's till mid. 70's, is a country of immigration as well, particularly a safe haven for foreign nationals fleeing from neighbouring countries affected by political events.

The Government of Turkey wants to prevent, through legal means, all kind illegal immigration. It also aims to ensure a legal and orderly entry of foreign nationals who seek refuge in Turkey. It is estimated that the number of irregular migrants is around 4.000. They are mostly from Iraq, Iran, Afghanistan, Bangladesh, Pakistan and from some African countries.

2. What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as;

a) legal measures;

According to Turkish Laws, migrant workers have the same working rights as their Turkish colleagues.

In addition, according to Article 90 of the Turkish Constitution, the international conventions and agreements duly ratified and entered into force, have the same effect as the national laws. Turkey is party to the European Code of Social Security, to the European Convention on Social Security and to its Supplementary Agreement as well as to the European Convention on the Legal Status of Migrant Workers.

All the foreign nationals, including the migrants living in Turkey, are also under the protection of Turkish Constitution which guarantees that all citizens are equal in front of the laws, without distinction of race, colour, sex, language, religious faith and opinion.

The conditions of residence and expulsion of foreign immigrants are determined by law and all actions taken with regard to foreigners are conducted by official authorities within the framework of laws and legal regulations.

b) public information and education;

All the foreign migrants have the freedom to obtain information and education according to their needs.

The press and media play also a positive role in providing information to foreign nationals.

c) provision of direct assistance and services:

The Turkish Government takes the necessary measures to meet all basic human needs of the foreign migrants, particularly of those who come to seek refuge temporarily in Turkey.

Measures are taken to provide shelter, accommodation, food and similar services to those arriving in Turkey until their definite departure for a third country.

d) other measures, including bilateral and multilateral arrangements.

The Turkish Government cooperates with the foreign governments to regulate and improve the conditions of Turkish nationals living abroad.

On the other hand, with regard to the foreign migrants arriving in Turkey, the Government is ready to cooperate with other countries and international organizations to improve the conditions of all migrants in difficulties.

3. Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

Manifestations of racism, xenophobia and other forms of discrimination against migrants in Turkey are limited to few individual cases.

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As has been echoed in the international press and media, there have been manifestations of racism and xenophobia against Turkish nationals and workers living abroad. Incidents occurred resulting in deaths of Turks and their family members. The annual number of such acts is not less than 300.

Those incidents have been unanimously condemned by all circles in the host countries as well as by the Turkish Government and people.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No.97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No.143)?

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is currently examined by the relevant Turkish authorities and thereafter, the necessary steps will be taken for its ratification.

The two ILO Conventions referred to in question no.4 have not been ratified yet by Turkey and they are also under examination by the relevant authorities. It is hoped that this work will also be finalized without further delay.

Reply received from
the International Labour Office

Votre réf G/SO 212/26(1)

Subject: Questionnaire on human rights of migrants

Dear Ms. Ize-Charrin,

In reply to the letter of your Office of 2 December 1997 regarding the questionnaire on human rights of migrants, I would, first of all, allow myself to raise a concern as regards the deadline that you have set for receiving replies to the questionnaire. As I already pointed out at the first session of the Intergovernmental Working Group (17 to 21 November 1997), from our own experience, we know how difficult and time-consuming it can be to receive feedback, both from Governments and NGOs, to such questionnaires. The deadline of 15 January 1998, therefore, would seem to be quite unrealistic in this respect, although I very much understand your interest in receiving replies prior to the next session of the Working Group in February. Since postponing the deadline to the beginning of February will probably only make a small difference, I would like to point to the importance of continuing to encourage replies to the questionnaire also after the next session of the Working Group.

As regards the state of ratification of ILO Migration for Employment Convention (Revised), 1949, (No. 97) and ILO Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1978, (No. 143), I would like to draw your attention to the General Survey that the ILO will carry out on the application of the two ILO conventions mentioned, including any obstacles to their ratification, in the course of the next year. We will, of course, keep you informed.

To update the information already provided to the Working Group, I will attach the most recent list of States that have ratified ILO Convention No. 97 and 143. If you should have any further questions, please do not hesitate to contact me.

Yours sincerely,

Matthias Reischle
Migration Branch
Employment and Training Department

C.97 MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 194

(As of 2.10.1997)

Date of entry into force: 22/01/1952

STATES	Ratification registered
ALGERIA [1]	19/10/1962
BAHAMAS [2]	25/05/1976
BARBADOS [3]	08/05/1967
BELGIUM	27/07/1953
BELIZE	15/12/1983
BOSNIA AND HERZEGOVINA [4]	02/06/1993
BRAZIL	18/06/1965
BURKINA FASO	09/06/1961
CAMEROON [5]	03/09/1962
CUBA	29/04/1952
CYPRUS [6]	23/09/1960
DOMINICA [7]	28/02/1983
ECUADOR [8]	05/04/1978
FRANCE [9]	29/03/1954
GERMANY	22/06/1959
GRENADA [10]	09/07/1979
GUATEMALA	13/02/1952
GUYANA [11]	08/06/1966
ISRAEL	30/03/1953
ITALY	22/10/1952
JAMAICA [12]	26/12/1962
KENYA [13]	30/11/1965
MALAWI	22/03/1965
MALAYSIA (SABAH) [14]	03/03/1964
MAURITIUS [15]	02/12/1969
NETHERLANDS	20/05/1952
NEW ZEALAND [16]	10/11/1950
NIGERIA [17]	17/10/1960
NORWAY	17/02/1955
PORTUGAL	12/12/1978
SAINT LUCIA [18]	14/05/1980
SLOVENIA [19]	29/05/1992
SPAIN	21/03/1967
TANZANIA (ZANZIBAR) [20]	22/06/1964

1 Has excluded the provisions of Annex II.
2 Has excluded the provisions of Annexes I to III.
3 Has excluded the provisions of Annexes I to III.
4 Has excluded the provisions of Annex III.
5 Has excluded the provisions of Annexes I to III.
6 Has excluded the provisions of Annexes I to III.
7 Has excluded the provisions of Annexes I to III.
8 Has excluded the provisions of Annexes I to III.
9 Has excluded the provisions of Annex II.
10 Has excluded the provisions of Annexes I to III.
11 Has excluded the provisions of Annexes I to III.
12 Has excluded the provisions of Annexes I to III.
13 Has excluded the provisions of Annexes I to III.
14 Has excluded the provisions of Annexes I to III.
15 Has excluded the provisions of Annexes I to III.
16 Has excluded the provisions of Annex I.
17 Has excluded the provisions of Annexes I to III.
18 Has excluded the provisions of Annexes I to III.
19 Has excluded the provisions of Annex III.
20 Has excluded the provisions of Annexes I to III.

C.97 MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949

Date of entry into force: 22/01/1952

STATES	Ratification registered
THE FORM. Y. REP. OF MACEDONIA .	17/11/1991
TRINIDAD AND TOBAGO [21]	24/05/1963
UNITED KINGDOM [22]	22/01/1951
URUGUAY	18/03/1954
VENEZUELA	09/06/1983
YUGOSLAVIA [23]	04/12/1968
ZAMBIA [24]	02/12/1964

Total of ratifications: 41

[21] Has excluded the provisions of Annexes I to III.
[22] Has excluded the provisions of Annexes I and III.
[23] Has excluded the provisions of Annex III.
[24] Has excluded the provisions of Annexes I to III.

C.143 MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) CONVENTION, 1975

(As of 2.10.1997)

Date of entry into force: 09/12/1978

STATES	Ratification registered
BENIN	11/06/1980
BOSNIA AND HERZEGOVINA	02/06/1993
BURKINA FASO	09/12/1977
CAMEROON	04/07/1978
CYPRUS	28/06/1977
GUINEA	05/06/1978
ITALY	23/06/1981
KENYA	09/04/1979
NORWAY	24/01/1979
PORTUGAL	12/12/1978
SAN MARINO	23/05/1985
SLOVENIA	29/05/1992
SWEDEN	28/12/1982
THE FORM. Y. REP. OF MACEDONIA	17/11/1991
TOGO	08/11/1983
UGANDA	31/03/1978
VENEZUELA	17/08/1983
YUGOSLAVIA	19/06/1981

Total of ratifications: 18

Submission from the International Movement Against All Forms of Discrimination and Racism (IMADR),

Geneva, 9th January 1998

Ref.: Second session of Working Group on Human Rights of Migrants

Dear Sir/Madam,

The International Movement Against All Forms of Discrimination and Racism is pleased to provide a set of documents produced or used through its International Project Against the Trafficking in Women in East and South Asia, to the Working Group on Human Rights of Migrants at its second session to be held on 16 - 20 February 1998 at Geneva, for its consideration of the issue of trafficking in migrants.

Our organisation hopes that the Working Group will pay due attention to this increasing phenomenon to be tackled by the international society in good cooperation.

Please contact Atsuko Tanaka of the IMADR-Geneva Office should you have any question on those materials.

IMADR INTERNATIONAL PROJECT AGAINST THE TRAFFICKING IN WOMEN IN EAST AND SOUTH ASIA

documentation *

A. Project outline

- "The IMADR International Project Against the Trafficking in Women in East and South Asia"

- "'Trafficking in Women and Human Rights': Investigation and Research Project"

B. IMADR Workshop Against the Trafficking in Women in Asia at NGO Forum '95, Beijing

- Background

- "Situations in Korea: Country Report on Problems Involving Trafficking in Women" prepared by Heisoo Shin, Korea Women's Hot Line

- Cases in Japan

- "The Issue Surrounding the Prostitution Guide Book"

C. IMADR Seminar for the Empowerment of the Victims of Trafficking (29-31 March 1996, Tokyo, Japan)

- Materials for the Seminar

- Report of the Seminar

D. IMADR Manual "Trafficking in Women in Asia: From Recognition to Response - A Reference Manual for Public Officials and Private Citizens"

E. International Seminar for the Empowerment of Survivors of Trafficking (9-11 September 1996, Chiangmai, Thailand,)

- "Current Status of Laws/Issues Highlighting Discrimination Against Women: The Case of Thailand" by Virada Somswasdi, Women's Studies Center, Faculty of Social Sciences, Chiangmai University (September 1996)

- "Human Trafficking and Human Security - The Case of Modern Japan-" by Seiko Hanochi and Kinhide Mushakoji, IMADR

F. IMADR newsletter "CONNECT"

- "Towards decriminalization and empowerment of the survivors of trafficking - IMADR holds international seminar" (Vol.1, No.2, June/July 1996)

- "Trafficking in Asia - An Overview" (Vol.1 No.6, Feb./March 1997)

* Available with the Secretariat upon request

Submission from the Christian Coalition on Refugees
and Migrant Workers in Japan together with
the National Network for Solidarity with Migrant Workers

1, Figures

1. Total Population of Japan:125,864,022 (as of the end of 1996)
2. Population of registered non-nationals: 1,415,136(as of the end of 1996)

Koreans(N/S):	657,159	(46.4%)
Chinese:	234,264	(16.6%)
Brazil:	201,795	(14.3%)
Philippines:	84,509	(6.0%)
USA:	44,168	(3.1%)
Peru:	37,099	(2.6%)
Others:	156,142	(11.0%)

3. Numbers of non-nationals having authorization to work in the country:
98.301(as of the end of 1996)
4. Estimate of irregular migrants,including visa abusers,by country of origin
282,986(as of the end of 1996)

Koreans:	52,387
Philippines:	42,547
Thai:	39,513
Chinese:	38,296
Peru:	12,942
Iran:	11,303
Malaysia	10,390
Taiwan:	9,409
Bangladesh:	6,197
Burma:	5,900
Pakistan:	5,157
Others:	48,945

(there is another statistic estimating the whole non-nationals' population as about 1,510,000 including undocumented non-nationals, which gives us another figure of the estimated undocumented migrants: as about 1,000,000)

2. Measures being taken to strengthen the promotion, protection and implementation of the human rights of migrants, such as:
   - -legal measures:
   - -public information and education
   - -provision of direct assistance and services
   - -other measures, including bilateral and multilateral arrangements.

3. Have there been manifestations (How many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

-As for discrimination against our nationals in another country, we do not know.

-As for discrimination against migrants in Japan, cases are not fully covered, however, there are strong reasons to believe that such discrimination are not few at all.

Some tragic cases are being reported:

- A Brazilian boy of Japanese descent migrant parents was slaughtered in November in 1997 in Komaki City by a Japanese joy-rider group though he had no connection with them, because of their hatred against Brazilians of Japanese descent.
- Another Brazilian boy quit junior high school to avoid being abused by classmates in Utunomiya City in March 1997. He was verbally abused by some classmates being complained , " You stink!" and his notebooks and pencils were thrown away in a dust bin. He spoke very few Japanese, however, he was eager to learn.
- Children of non-nationals in need of Japanese language education are many, estimated to be about 11,000 as of 1996, Cases of abuses in school are not easy to come out, therefore, the above cases may only be a tip of an iceberg.
- In Nagano, where winter Olympic game is going to be held, migrants who had worked for construction of the Olympic site, were arrested when construction was over, because of their undocumented visa status. This case is another type of abuse and discrimination against migrants using them and throw them away afterwards.
- In terms of women migrant workers, cases of sexual abuse, rape, sexual harassment are reported, or being tackled by women' s shelters and support groups; in such cases, indirect discrimination against women of non-nationals , treating them as a 'cheap sexual object' is obvious. Number of cases are unknown.

-Abuses against migrants in detention center are reported.

A Chinese family of a mother(45 years old) , grandmother(74 years old) and a baby (1.5years old) is being detained in Ushiku detention center. The baby has never seen outside world since it was born to the mother. They are not in good health, and urgent release is being waited for by concerned citizens.

-Many mixed children of a Japanese and other natinal ity are born nowadays. Those children are sometimes left in the state of no nationalities. Official statement revealed that those children under 4 years old with no nationality amont to 734 as of the end of 1996. This is another aspect of discrimination.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labor Organization (ILO) Convention concerning Migration for Employment(Revised), 1949(No.97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975(No.143)?

No specific measures are being taken by the Japanese government in spite of human NGO groups' strong requests to ratify the 1990 Convention.

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Economic and Social
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Distr.
GENERAL

E/CN.4/AC.46/1998/3/Add.1
16 January 1998

ENGLISH
Original: SPANISH

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Report of the Secretary-General

ANNEX

INSTITUTO CATOLICO CHILENO DE MIGRACION (INCAMI)

Ref: Reply to the questionnaire on the human rights of migrants

Dear Mr. Cappy,

I have the pleasure to send you some answers to the questionnaire received by INCAMI concerning the human rights of migrants.

Yours sincerely,

P. Luciano Baggio
Executive Secretary
INCAMI

INSTITUTO CATOLICO CHILENO DE MIGRACION (INCAMI)

Questionnaire on the human rights of migrants in Chile

1. POPULATION

Out of a total population of 14,419,000 in 1996 there were 127,564 foreigners permanently resident in Chile as at 31 December 1995. Adding aliens who have become naturalized, those legally resident on a temporary basis and illegal aliens would bring the total to some 200,000.

Of the foreigners permanently resident as at 15 April 1997 there were: 37,544 Argentines, 10,810 Spaniards, 9,792 Peruvians, 8,903 Bolivians, 7,836 North Americans, 6,273 Germans, 5,507 Brazilians, 4,854 Italians, etc.; 54 per cent of the total were from Latin America.

Of minors aged under 18 years and legal residents, about 10 per cent are unemployed.

The Ministry of the Interior reports that in December 1997 there were some 55,000 persons living in the country illegally (most of them coming as tourists and staying without authorization beyond the permitted time); they include 35,000 Peruvians and lesser numbers of Bolivians and Argentines.

Chileans abroad, according to information from Chilean consulates, totalled approximately 800,000 in 1995. They are distributed largely as follows: 300,000 in Argentina, 85,000 in the United States, 70,000 in Brazil, 42,000 in Venezuela, 30,000 in Australia, 30,000 in Sweden, 24,000 in Canada, 21,000 in Spain, 20,000 in France, 10,000 in Ecuador, etc.

2. MEASURES TO STRENGTHEN THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE HUMAN RIGHTS OF MIGRANTS

A new migration bill was presented in 1993, but it failed to make progress and was withdrawn from the respective committee of the Chamber of Deputies in 1997. Comments were made by INCAMI on how to improve the draft and it is hoped that the bill will be resubmitted in 1998. There was an update in 1996 on legislation concerning refugees.

As regards public information and education, INCAMI is raising awareness concerning the acceptance, promotion and recognition of the rights of migrants through its publication "Migrants", through its media campaigns and in particular with the organization of a National Migrants' Day on the first Sunday in September.

INCAMI offers the following assistance and services:

(a) Obtaining and authenticating documents for Chileans, especially those staying illegally in Argentina. INCAMI is the only non-governmental organization arranging free of charge for the authentication of documents in the Argentine Consulate. Applications are also made for Argentine certificates;

(b) Attending to immigrants in Chile, especially Peruvians, to deal with the situation regarding migration, as well as in the fields of health, education, labour and housing. Action in the Departments for Aliens and Migration, Municipalities, Ministry of Justice, Ministry of Foreign Affairs and Ministry of Education, consultancies and civil registry office;

(c) Advising on obtaining documents in Argentina for Chileans and claiming welfare entitlements under the Chilean-Argentine labour and security agreement;

(d) Pursuant to the programme of the Office of the United Nations High Commissioner for Refugees (UNHCR) and INCAMI, effecting social surveys, case work, home visits, cooperation under the agreement between UNHCR and the National Training and Employment Service (SENCE) and referrals to community support organizations;

(e) Providing temporary housing and food for migrants (Seminario 611), near the INCAMI main office;

(f) In cooperation with the Scalabrinian Missionary Youth Group, making home visits and inquiries to study the spiritual and social situation of migrants, especially Peruvians in Santiago and Chileans in Argentina.

INCAMI participates in national, bilateral Argentine-Chilean and international meetings on the subject of migration. In April 1997, at its centre in Santiago, INCAMI successfully organized national events for migrants with the participation of the civil and religious authorities, as well as UNHCR and the International Organization for Migration (IOM), community representatives and representatives of social organizations. In August there was an interdiocesan meeting on migration in the northern part of the country, at Iquique, to address the problems of Peruvian and Bolivian immigrants.

Four issues of "Letter from Chile" were sent free of charge in 1997 to groups and representatives of Chileans abroad.

3. RACISM, XENOPHOBIA AND DISCRIMINATION

In December 1997 a Chilean trade union conference protested against the influx of foreign workers, particularly Peruvians, who were accused of causing unfair competition in the labour market. At a Chilean army meeting on migration studies, concern for national security was expressed in view of a possible threat of a flood of migrants. This was countered in a timely manner by an INCAMI delegate, who argued in favour of cooperation and solidarity. There are difficulties with the integration of refugees, especially Blacks.

4. On 16 December 1997 the Chilean Chamber of Deputies gave initial approval, although with some reservations concerning compensation, to the 1996 Convention on the rights of migrant workers and members of their families.

On 5 December there was the inauguration at Teatinos 950, Santiago, of the new headquarters of the Department for Aliens and Migration, which groups together the formerly separate offices and provides an up-to-date service with modern computer facilities.

Santiago, 13 January 1998

FUNDACION COMISION CATOLICA ARGENTINA DE MIGRACIONES (CCAM)

Replies to the questionnaire from the Office of the High Commissioner for Human Rights

1. Total population of Argentina: 35 million.

(a) More than 2 million immigrants.

(b) One million persons from bordering countries.

b.1. Paraguay: 700,000

b.2. Bolivia: 500,000

b.3. Uruguay: 300,000

b.4. Chile: 215,623

b.5. Brazil: 50,000

Source: National Directorate for Migration, 1992 census.

(c) Refugees: 12,000 refugees recognized by UNHCR in recent decades.

c.1 Refugees assisted by the CCAM Foundation: 799

c.2 Refugees entering in 1997: 162

(d) Number of nationals abroad:

Nationals of Argentine who emigrated in the 1980s account for between 0.98 and 1.3 per cent of the population, and are distributed as follows:

Latin America: 210,000

United States: 32.7%

Paraguay: 20.7%

Brazil: 12.6%

Chile: 9.4%

Uruguay: 9.0%

Bolivia: 7.0%

Source: United Nations, Department of International Economic and Social Affairs.

Non-nationals having authorization to work in the country: approximately 3 million.

Irregular migrants: 400,000 (estimate).

2. One approach of the CCAM Foundation has been to maintain an environment of permanent receptiveness and availability for consultations and requests from governmental bodies. Whenever the Church's opinion has been sought on migration issues, an attempt has been made to pursue dialogue and cooperation taking into account the interests and contributions of all the parties involved.

Such efforts were made by the Foundation in relation to the preliminary draft of the Population and Migration Bill prepared by the Office of the Under-Secretary for Population and Community Relations in the Ministry of the Interior, which was provided at its request with a number of proposals and recommendations.

It should be noted that we are referring to the future Population and Migration Act, which is to provide the legal framework for the country's migration policy; the initial proposals are, therefore, aimed at achieving a harmonious piece of legislation setting out the legal requirements to be met by migrants in a body of rules which respect foreigners' rights.

Furthermore, in response to a controversial bill amending several articles of Act 22,439, the Episcopal Commission for the Pastoral Care of Migrants and the CCAM Foundation issued a press release, endorsed also by various federations, institutions and groupings of foreign communities, which restated the Church's commitment to the protection of migrants' rights, and recalled and pointed out the way of solidarity, tolerance and justice for the poorest of the poor, foreigners.

Fulfilling its mandate of awareness-raising and sensitization of the church and civil community to the phenomenon of migration and its impact on society, the Foundation arranges meetings, workshops, courses and seminars to provide training and information. In July 1997, for example, a seminar "Trade unions and labour migration" was held in Buenos Aires within the framework of the annual meeting of diocesan representatives on the pastoral care of migrants.

This was attended by bishops, representatives of the various national guilds and trade unions and more than 100 persons, including officials, delegates and lay persons concerned with migration issues.

The Foundation's Press and Broadcasting Department maintains close links with the press and radio and television networks both nationally and internationally.

Interviews are given, discussion panels are formed and numerous clarifications are made for the media. Moreover, all of the Foundation's important activities are duly communicated to the media to avoid any distorted news coverage.

With regard to information material, posters, pamphlets and newsletters are published for migrants. The review "Migration News" appears quarterly and 1996 saw the publication of the book "Towards a world without frontiers. The new migrations facing the third millennium", whose authors are Foundation members.

The Foundation provides direct counselling and assistance for migrants, refugees recognized by the United Nations and internally displaced persons.

Its assistance basically involves providing guidance and help and obtaining and authenticating documents where necessary for the establishment of migrants and refugees.

Help is extended to refugees by the CCAM Foundation, acting as the sole agency in Argentina for UNHCR, under the various UNHCR support programmes. In cases where assistance to the refugee population exceeds the UNHCR budget, the Foundation signs agreements to work with other bodies and institutions concerned or associated with the problem of migration. It has thus been working closely for many years with, among others, Caritas, the Salvation Army, the Ministry of Labour and Social Security, the Union of Commerce Workers, the Ministry of the Interior and the Faculty of Letters of the University of Buenos Aires.

Assistance in 1997:

Housing	271 persons
Food	141 persons
Travel allowances - documents	117 persons
Skills improvement	68 persons
Remedies - reimbursements	46 persons
Medical assistance	44 persons
Labour assistance	24 persons
Posts	24 cases
Training	16 persons
Grants, primary education	21 children
Grants, secondary education	11 youths
Humanitarian pensions	9 persons
Installation grants	6 persons
Remedies - prescriptions	716 cases
Spanish classes	82 pupils

With regard to bilateral and multilateral arrangements, in November 1996 the CCAM Foundation organized the first meeting of episcopal commissions for pastoral care relating to human mobility in the Southern Cone, which was

attended by the presidents and executive secretaries of episcopal commissions on human mobility from Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay.

The meeting evaluated the progress made by the common market of the Southern Cone (MERCOSUR) on the basis of actual migration between the countries involved and the exchange of analytical views on the challenges and opportunities that the process of integration presents to the Church.

In this connection, the meeting of bishops of the Southern Cone drew up a series of proposals and recommendations both for the episcopal conferences and for governmental bodies of the MERCOSUR countries.

3. There are manifestations, albeit not widespread, of discrimination in the country, chiefly against immigrants from bordering countries. Such discrimination has been imposed and encouraged by organs of the State, and mainly by trade unions forming part of the General Confederation of Labour (CGT), in the false belief that immigrants from bordering countries and Peru are responsible for the high rate of unemployment in the country.

The message has thence spread among the nation's poorest workers and those most affected by unemployment, who have on occasion rejected their foreign fellow workers.

4. The foundation published the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1994 with a view to the dissemination and ratification of that instrument.

Meetings were thereafter held with national lawmakers, both deputies and senators, who were made aware of the need for the Convention to be adopted in the Argentine Parliament.

Finally, in mid-1996, a group of deputies submitted a bill, sponsored by more than eight lawmakers, aimed at the ratification of the Convention and its incorporation into the country's internal law.

It should be pointed out that the fundamental provisions of the bill cite the various meetings held and explanations given by this Commission in support of the adoption of the Convention.

Buenos Aires, 13 January 1998

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.46/1998/3/Add.2
19 January 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Intergovernmental Working Group of
Experts on Human Rights of Migrants
Second session
Geneva, 16-20 February 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply received from North-South XXI (Non-governmental organization)

GE.98-10183 (E)

Proposal in response to the United Nations questionnaire on the rights of migrants

(R. Charvin)

Question 1: This is a matter for States.

Question 2: Refugees should be distinguished from migrants.

1. Refugees fall within the scope of the 1951 Convention relating to the Status of Refugees and a series of additional protocols.

This Convention makes it possible to cater for asylum seekers who fear persecution in their countries of origin or who are unable to claim protection from those countries.

The rights of refugees as recognized under the Convention are important (article 4, concerning religion, article 17, article 23, article 24 on social rights and employment, etc.).

Unfortunately, the signatory States either fail to respect the Convention or interpret it very restrictively (for example, they accept only refugees persecuted by their own State, and not those persecuted by civil society; also, for example, women are not considered as belonging to a "social group" within the meaning of the Convention).

The United Nations must inform international opinion about the content of the 1951 Convention and remind the signatory States of the legitimate interpretation to be given to that instrument so that it can be applied effectively. The United Nations should also monitor the implementation of the Convention.

2. The industrialized countries intend both to maintain international economic structures that are favourable to them and to impose their hegemonism further, as part of the process of globalization, while at the same time abnegating the free movement of persons.

However, migrations - both in history and today - have a structural dimension: they result from unequal development. Accentuation of those inequalities entails an accentuation of migratory movements from more disadvantaged areas to more favoured areas (the direction of such movements is south-south and south-north).

The western world, moreover, is projecting its own image on a massive scale to standardize tastes, consumer needs and values (thereby creating a world society adapted to the economic "supply" of the North) but without accepting movements of people fascinated by the North.

The North cannot both encourage the free movement of capital and goods (including primary products) and prohibit the movement of persons.

The North cannot both maintain a global social divide and ignore its migratory consequences.

The United Nations must emphasize the requirements of promoting development and reducing inequalities so as to allow all people to live in their own countries and thus make immigration solely a personal and non-structural question.

3. The question of migrants is linked to the treatment of foreigners, a centuries-old issue.

In every society, the foreigner often serves as a scapegoat for the authorities. The measures taken against foreigners, being demagogic in nature, help to satisfy public opinion. Europe's extreme right-wing parties, for example, use this theme to bolster their influence and Governments feel obliged to follow them, on account of the social crisis.

The United Nations should define the status of migrant in an international convention that would be binding on States. That status would prevent massive applications for naturalization. Such applications create opposition in the host countries, while the migrants themselves are often unwilling to lose their nationality of origin and apply for naturalization only to have a normal life in the society of the host country. Recognition of the status of migrant, which would be accompanied by important rights and duties and have to be respected by every State, would avert this naturalization "race" and the ensuing political controversies, both in the North and in the South.

4. The North tends to repel migratory movements, but it does so in a discriminatory manner.

The European Union does not treat migrants from the South, from the East and from the rest of the world (United States, Scandinavia, etc.) in the same way.

In many cases, both the administrative services and the nature of the reception are different.

The United Nations must ensure respect for the resolutions, declarations and conventions prohibiting discrimination on such grounds as nationality, race or religion.

Abuses of human dignity are common in the European and American administrations. There are even "holding centres" - insalubrious places not subject to strict legal controls - where migrants who have been refused entry are kept for indeterminate periods until they are deported from the "host" country (as in the case of France, for example).

At the same time, exceptions are made when the migrant is judged to be "profitable" for the host country, i.e. a top athlete, scientist, etc. There are western networks which operate in Africa, for example, and bring back sportsmen who are "profitable" to European clubs; these have become big business. The new "trade in Blacks" is organized in such a way that the administration creates no obstacles.

Migrants from the eastern bloc countries were welcomed in the West at the time when those countries were communist (in the 1950s to 1970s), but that is no longer the case today. In France, for example, the majority of asylum seekers come from eastern Europe, most of them being of Roma origin. They are almost systematically sent back.

The reception thus discriminates heavily, according to the migrants' social "utility", ethnic origin, cultural background and religion. Such practices seriously violate the International Bill of Human Rights (Covenant of 1966).

5. The willingness of the United Nations to work in partnership with non-governmental organizations can be given concrete form particularly in respect of the phenomenon of migration:

The United Nations can recommend to States that they involve non-governmental organizations and associations in the work of their administrations.

Migrants come from very diverse backgrounds. Public administrations are not able to deal effectively with people of very different cultures, customs, etc.

The most effective reception, i.e. the one that best facilitates and most rapidly achieves integration (and not assimilation, which violates migrants' rights), can perhaps be provided by associations composed in particular of migrants of long standing who are already integrated and able to assist the public administrations (working by agreement and with a subsidy).

Uniform treatment of migrants of all origins is ineffective and a source of disputes. Non-governmental organizations can help in establishing mixed commissions made up of older migrants and nationals.

The United Nations must encourage education campaigns to promote understanding of:

- the reasons for migratory movements (political, economic, etc.);
- the problems encountered by migrants;
- the kind of assistance to be provided to migrants, i.e. not charity but respect for their cultures and beliefs, for their right to work, to social protection, etc.

Replies to the questions on migrant workers

(Professor Halidou Ouédraogo)

1. Africa is a continent with millions and millions of migrant workers.

Examples of the continent's principal migratory flows:

Southern Africa: workers from other countries (Botswana, Mozambique, Namibia and Zimbabwe) go to South Africa.

Sub-Saharan Africa: workers from Burkina Faso, Mali, Niger and Benin are attracted by Côte d'Ivoire.

In addition, many African workers emigrate or migrate towards Europe (North Africa, Mediterranean countries, etc.).

Most of these countries have immigration laws (countries of the Great Lakes region, Central Africa, Economic Community of West African States) but they are not favourable to migrant workers. The proof is that very few countries (less than 12) have signed and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Regulation is acceptable in theory. In practice, however, the situation is deplorable.

2. Measures to be taken to strengthen the promotion of human rights:

Publicize and encourage the signature and ratification of the Convention on migrant workers;

Train and educate migrant workers with a view to their settlement in the countries of origin;

Help migrant workers to settle;

Reconvene the States parties to the Convention and remind them of their responsibilities.

3. The present situation in host countries is characterized by increasing xenophobia, racism and discriminatory attitudes. All of this is directed against migrant workers (France, United Kingdom, United States of America).

4. It is to be deplored that no vigorous action has been taken to prompt States to sign and ratify the Convention.

At the domestic level, moreover, the courts fail to punish non-compliance with the laws concerning migrant workers.

Extreme poverty (unsafe housing, insecurity of employment, etc.) reigns in the various communities.

Domestic laws have to be enforced and a large-scale operation undertaken to ensure that the Convention, which must be signed and ratified, is brought into force.